Exhibit A

In the Matter of:

Turing Pharmaceuticals & Impax Laboratories

September 26, 2019 Akeel Mithani

Condensed Transcript with Word Index



For The Record, Inc. (301) 870-8025 - www.ftrinc.net - (800) 921-5555

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1	FEDERAL TRADE COMMISS	SION	1	APPEARANCES (c	ontinued):	
2			2	ALSO PRESENT:	Jimmy Fang, Esq Deputy Ger	neral
3 Т	TURING PHARMACEUTICALS,)	3		Counsel Vyera	
1	a corporation,)	4		Anusha Sunkara, FTC Law Cleri	k
5	and)	Matter No.	5		Arindam Ghosh, Ph.D FTC Ed	conomist
, I	IMPAX LABORATORIES,	161-0001	6			
,	a corporation.)	7			
} -))	8			
)			9			
)	Thursday, September	26, 2019	10			
			11			
2	Room 7104		12			
	Federal Trade Commis	ssion	13			
ļ	400 7th Street, S.W.		14			
	Washington, D.C. 20	0024	15			
			16			
	The above-entitled matter	r came on for	17			
i	investigational hearing, pursuant t	to notice, at	18			
9	9:00 a.m., for the testimony of:		19			
			20			
			21			
	AKEEL MITHANI		22			
3			23			
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5			25			
		2				4
1 A	APPEARANCES:		1		INDEX	
 !	ON BEHALF OF THE FEDERAL TRADE	E COMMISSION:	2	EXAMINATION		PAGE
	NEAL PERLMAN, ESQ.		3	Akeel Mithani		
	DANIEL BUTRYMOWICZ, ESQ.		4		. Perlman	7
	Federal Trade Commission		5	_	. Weiner	
	600 Pennsylvania Avenue,	Northwest	6	-1		
	Washington, D.C. 20580	1102 01111 000	7			
	(202) 326-3692		8			
	nperlman@ftc.gov		9	EXHIBIT	DESCRIPTION	PAGE
	ON BEHALF OF VYERA PHARMACEUT	ICALS	10		meeting minutes, Bates stamped	
	AND THE WITNESS:	201120	11		100660112 to FTC-Vyera00660124	
	MICHAEL WEINER, ESQ.		12	_	with attachments, Bates stamped	d 94
	SAMUEL W. STELK, ESQ.		13		-00001472 to FTC-FERA-00001490	
	Dechert LLP		14		with attachemnet, Bates stamped	d114
	1095 Avenue of the Americ	cas	15		100224587 to FTC-Vyera00224588	
	New York, New York 10036		16	=	chain, Bates stamped	118
	(212) 698-3608		17		a-117383 to FTC-Vyera-117387	
	michael.weiner@dechert.co	nm.	18	-	chain, Bates stamped	135
			19		a000162272 to FTC-Vyera00016227	
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			1	FTC-Vyera		

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1	GX1108 E-mail with attachment, Bates stamped166	1	BY MR. PERLMAN:
2	FTC-Vyera00126540 to FTC-Vyera00126583	2	Q Mr. Mithani, could you state your full
3	EXHIBIT DESCRIPTION PAGE	3	name for the record.
4	GX1102 E-mail chain, Bates stamped 183	4	A Akeel Mithani.
5	FTC-Vyera00117405 to FTC-Vyera00117435	5	Q So, Mr. Mithani, my name is Neal Perlman.
6	GX4001 Letter dated January 19, 2018 from 207	6	I'm going to be asking you some questions today.
7	Akeel Mithani to The Honorable Kiyo	7	Have you ever given sworn testimony
8	Matsumoto	8	before?
9	GX1104 E-mail chain Bates stamped 213	9	A I have not.
10	FTC-Vyera00119270 to FTC-Vyera-00119271	10	Q So I'm going to go over some ground rules
11		11	just to make sure that this goes smoothly today.
12		12	So, first of all, the first rule is, if
13		13	you don't understand a question, just let me know,
14		14	and I'll try to rephrase it. Sound good?
15		15	A Yeah.
16 17		16 17	Q The second ground rule is try to answer
18		18	audibly for the court reporter. Nodding your head or shaking your head or saying uh-huh or huh-uh,
19		19	it's hard for her to get it down.
20		20	Does that make sense?
21		21	A It makes sense.
22		22	Q So the third ground rule is before try
23		23	to wait until I finish my question before you
24		24	answer, and I'll try to wait until you finish your
25		25	answer, that way, again, she can get it down for the
			0
	6		8
1	PROCEEDINGS	1	record.
2		2	Sound good?
3	(The witness was duly sworn.)	3	A Yeah.
4	MR. PERLMAN: Could we have counsel	4	Q Did you do anything to prepare for your
5 6	identify themselves for the record. MR. WEINER: Sure. This is Michael Weiner	5 6	testimony today? A We had a prep yesterday, but that's about
7	from Dechert LLP for Vyera and the witness.	7	it.
8	MR. STELK: Samuel Stelk, also from	8	Q Did you talk with anyone other than your
9	Dechert, for Vyera and the witness.	9	lawyers about your testimony today?
10	MR. FANG: James Fang, F-A-N-G, Deputy	10	A No.
11	General Counsel, Vyera.	11	Q When you met with your lawyers, did you
12	MR. PERLMAN: Ms. Sunkara, you can	12	review any documents?
13	introduce yourself.	13	A Yes.
14	MS. SUNKARA: Anusha Sunkara, FTC Law	14	Q How many?
15	Clerk.	15	A Approximately 70.
16	DR. GHOSH: Arindam Ghosh, Economist with	16	Q Seventy?
17	the FTC.	17 18	A Yeah.
18 19	MR. BUTRYMOWICZ: Dan Butrymowicz, FTC. MR. PERLMAN: Neal Perlman Federal Trade	18	Q So do you understand you're testifying under oath today?
20	Commission.	20	A Yep.
21	Whereupon	21	Q Is there anything that would prevent you
22	AKEEL MITHANI,	22	from providing truthful, complete testimony today?
23	a witness, called for examination, having	23	A No.
24	been first duly sworn, testified as follows:	24	Q Okay. So one other thing I wanted to go
25	EXAMINATION	25	over with you before I start to make sure we are on

	77	79
1	A Yes.	1 e-mail?
2		2 A Sure.
3	Q Did you communicate with Mr. Shkreli before he was incarcerated?	3 Q Did you e-mail him from your personal
4	A Yes.	ı
5	Q How often?	1
6	A I can't tell you. Maybe once a week.	6 Q During that time period are you aware
7	Q How did you communicate with him?	7 whether anyone else from Vyera communicated with
8	A Cell phone or in-person meetings.	8 Mr. Shkreli?
9	Q Texting?	9 A I would assume Kevin did, but I think that
10	A In-person meetings.	10 would be it.
11	Q Texting?	11 Q No one else?
12	A No.	12 A I'm sure there were people, but I don't
13	Q No?	13 want to speak on their behalf.
14	A It was largely just calling.	14 Q Are you aware whether other people
15	Q Calling on the cell phone?	15 communicated with Mr. Shkreli?
16	A Or in-person meetings.	16 A I'm not aware.
17	MR. WEINER: What period of time are you	17 Q After Mr. Shkreli was incarcerated, did
18	talking about?	18 you communicate with him at all?
19	THE WITNESS: Before incarceration.	19 A Yeah.
	MR. WEINER: And after? We talked about	
20		
21	earlier before when you were at the company you	21 A It depends. It would sometimes be once a
22	were	22 week, sometimes once a month, sometimes once every
23	MR. PERLMAN: Sure. I can clarify, yeah,	23 two months.
24	sure.	Q How would you communicate with Mr. Shkreli
25	BY MR. PERLMAN:	25 after he was incarcerated?
	78	80
	78	80
1	Q So I'm talking about the time from when	1 A CorrLinks, calls.
2	Q So I'm talking about the time from when you started at Vyera until he was incarcerated.	1 A CorrLinks, calls. 2 Q What was the first thing?
2 3	Q So I'm talking about the time from when you started at Vyera until he was incarcerated. We're clear?	1 A CorrLinks, calls. 2 Q What was the first thing? 3 A CorrLinks. It's an inmate messaging sort
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A I don't recall much.

Mr. Shkreli?

A I have not.

A I can't -Q Let me finish.

anything to Mr. Shkreli?

Yeah.

Q Have you ever mailed anything to

Q Have you ever asked anybody to mail any --

Q Have you ever asked anybody to mail

16

17

18

19

20

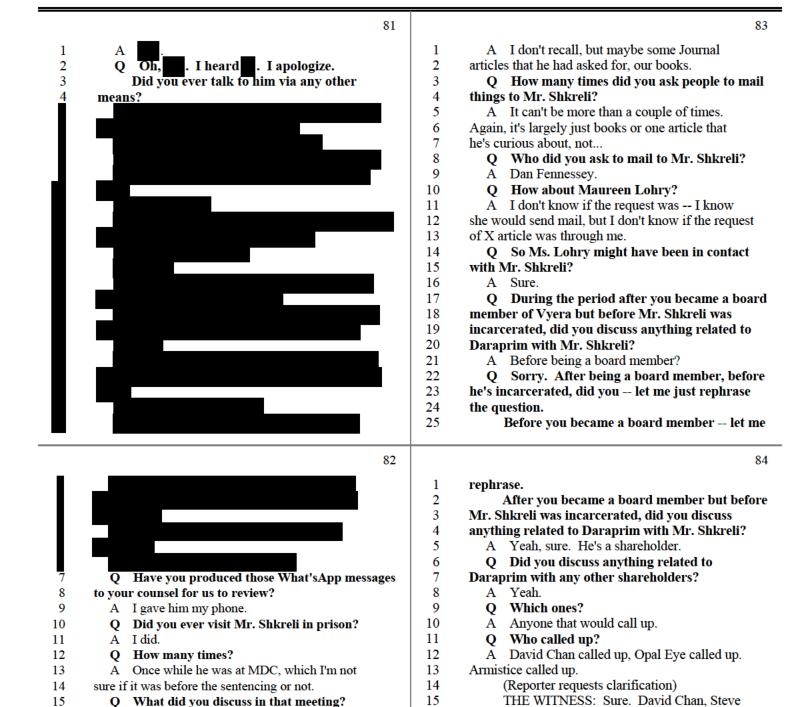
21

22

23

24

25



Q Did Mr. Shkreli ever direct you to say anything to any of your business partners?

A Sure. He was helping out with BD at the

A I can't recall off the top of my head.

Bohad, Opal Eye. That's the few I can remember off

Q What did you discuss with Mr. Shkreli

related to Daraprim during that time period we are

16

17

18

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22

23

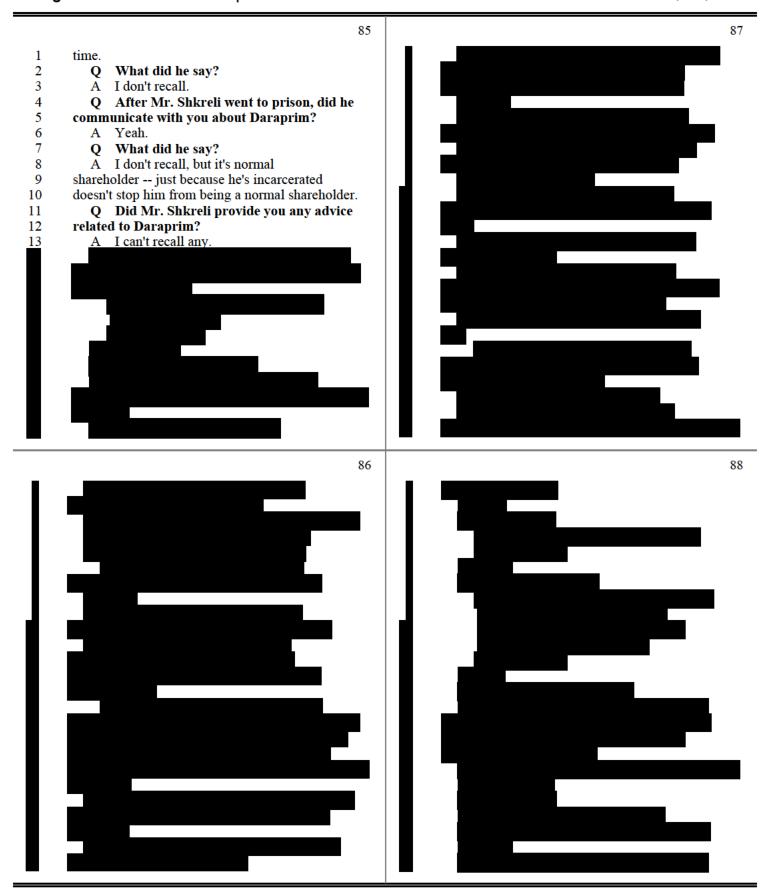
24

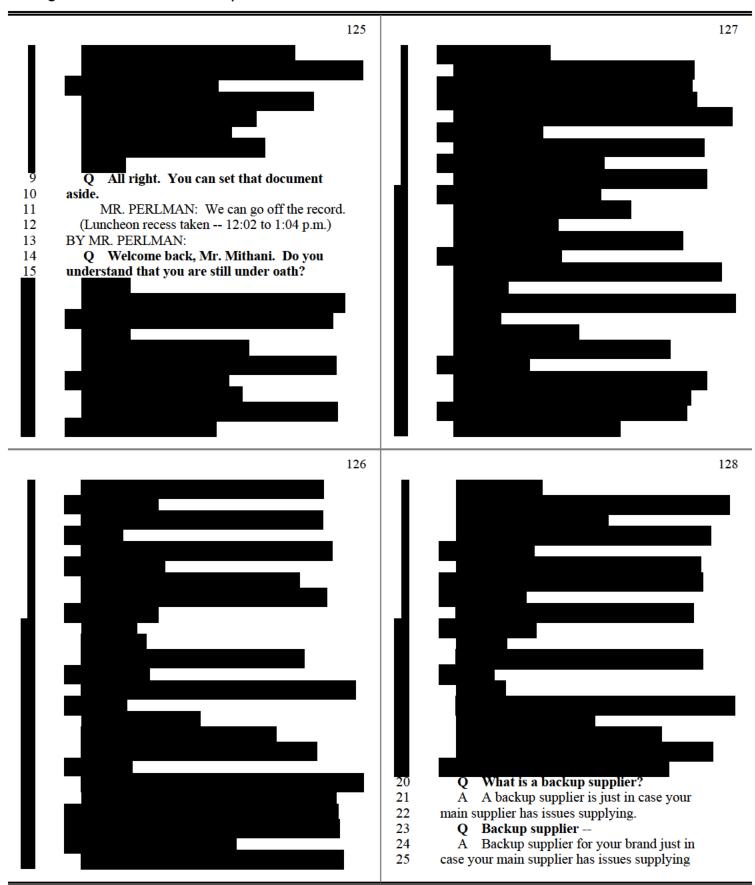
25

the top of my head.

talking about?

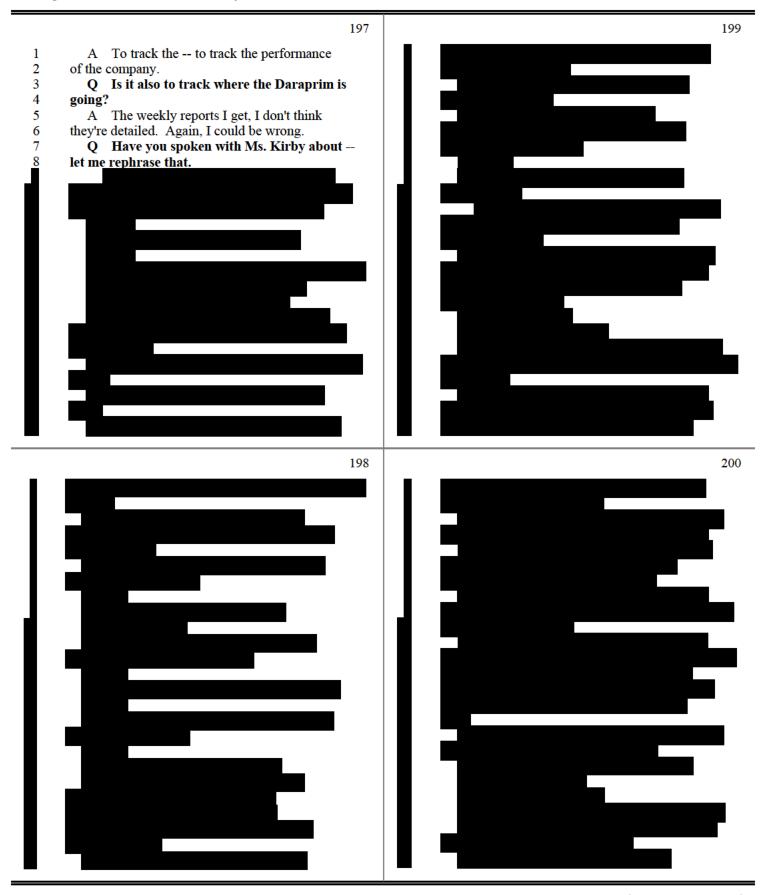
BY MR. PERLMAN:







33 (Pages 129 to 132)

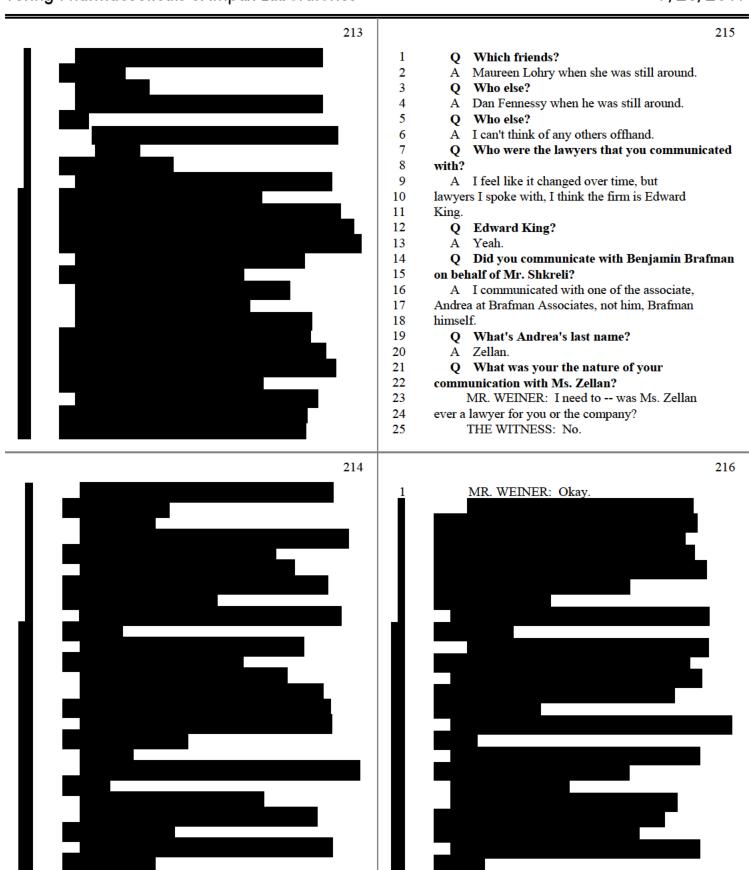


50 (Pages 197 to 200)



51 (Pages 201 to 204)

	209	211
1	A Yes.	1 good candidate?
2	Q If you go to the fourth paragraph down it	2 A Back two years ago, before my hire, yes.
3	reads:	3 Q You can set that document aside.
4	"Later that year, Martin afforded me the	4 Well, actually, if you could take that
5	opportunity to be considered as a Junior	5 back.
6	Business Development Analyst even though	6 A Sure.
7	I sorely lacked the qualifications."	7 Q Is there anything that you would like to
8	Do you see that?	8 change or update about this document?
9	A Yes.	9 A I mean I've got to read the whole thing
10	Q Did you sorely lack the quantification to	10 again.
11	be a Junior Business Analyst at Vyera?	11 Q Go for it.
12	A In terms of science, yeah.	
13	Q In what way were you qualified?	
14	A I understood the financials, how	
15	financials worked.	
16	Q Next it says:	16 BY MR. PERLMAN:
17	"My interviews met with mixed results."	17 Q So I'd like you to turn back, I have this
18	Do you see that?	18 big stack of document here, if you would turn back
19	A Yes.	19 and find GX1109. I just had a follow-up question on
20	Q What were the mixed results you were	20 that document.
21	referencing?	21 A Say that number again.
22	A The BD department didn't want someone so	22 Q 1109.
23	without any experience.	23 MR. WEINER: Looks like this.
24	Q Any experience in what?	24 BY MR. PERLMAN:
25	A Doing BD.	25 Q You can take a minute to review it and
	-10	
	210	212
1	Q "Despite opposition with the company.	212 1 just let me know when you're done. To be clear I'm
1 2		
	Q "Despite opposition with the company.	1 just let me know when you're done. To be clear I'm
2	Q "Despite opposition with the company. Martin directly lobbied for my	just let me know when you're done. To be clear I'm not going to ask any more questions on GX4001. A Got it. (Witness reviews document)
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2 3 4 5 6 7 8	 Q "Despite opposition with the company. Martin directly lobbied for my employment." It's the next sentence. Do you see that? A Yes. Q Who did he lobby for your employment? 	just let me know when you're done. To be clear I'm not going to ask any more questions on GX4001. A Got it. (Witness reviews document) THE WITNESS: Go ahead. BY MR. PERLMAN:
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2 3 4 5 6 7 8 9 10 11	 Q "Despite opposition with the company. Martin directly lobbied for my employment." It's the next sentence. Do you see that? A Yes. Q Who did he lobby for your employment? A The BD department. Q But the BD department declined to bring you on? A Yeah. Q Was Mr. Shkreli still CEO at this point? A Yes. 	just let me know when you're done. To be clear I'm not going to ask any more questions on GX4001. A Got it. (Witness reviews document) THE WITNESS: Go ahead. BY MR. PERLMAN: Q Okay. So if you look at GX1109-001, so at
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	229		231
1	A Yes.	1	Let's go off the record.
2	Q Any other e-mail accounts?	2	(Recess taken - 3:38 to 3:47 p m.)
3	A I have a Mithani Akeel, which I don't	3	MR. PERLMAN: All right. Let's go back on
4	think I use.		e record. We don't have any more questions.
5	Q Any other ones?	5	Do you have any questions?
6	A I can't recall.	6	MR. WEINER: I just have one question.
7	Q Have you provided your lawyers with all of	7	EXAMINATION
8	the e-mails that are concerning Daraprim?	8 B	Y MR. WEINER:
9	A They have access to my Gmail.		
10	Q They have access to your Gmail? Okay.		
11	Do you ever delete e-mails from your Vyera		
12 13	e-mail address?		
13	A Sure, yeah. Q Why?		
15	A Just organizational purposes.		
16	Q Are you aware that the FTC sent Turing a		
17	Do-not-destroy letter in 2015?		
18	A I was not aware in 2015, but all the		
19	e-mails get backed up on the server any ways.		
20	Q So any e-mails you would have deleted		
21	would have been back up on the server?	21	MR. PERLMAN: Let's go off the record.
22	A A hundred percent.	22	(Discussion off record)
23	Q Do you ever delete any e-mails from your	23	MR. PERLMAN: So that's it for us today.
24	Gmail accounts?	24 W	e're going to hold this open. And we can go off
25	A Sure.	25 th	e record.
	230		232
1	Q Why?	1	(Whereupon, the proceedings concluded at
2	A Organization purposes.	2	4:57 p.m.)
3	Q Did you ever delete any e-mails related to	3	1 /
4	the Vyera from your personal e-mail accounts?	4	
5	A Sure.	5	
6	Q So would those be backed up?	6	
7	A They would not be backed up, but we	7	
8	only entered a hold on past '17, right? We only	8	
9	served recently?	9	
10	Q I can't testify. It's only you answering	10	
11	questions here.	11	
12	A Again, once I was told there was a hold, I	12	
13	did not delete any e-mails or e-mails in general.	13	
14	Q Do you ever text about Vyera-related	14	
15	business from your personal cell phone?	15	
16 17	A Sure.	16 17	
17	Q From your work cell phone? A Yes.	17	
18 19		18 19	
20	Q Do you have two cell phones? A Yes.	20	
21		20	
21	Q Have you produced those documents to us? A Yes.	21 22	
23	MR. PERLMAN: All right. Why don't we	23	
23 24	take a five-minute break. I think I'm all set here,	23 24	
25	but I'll let you guys know when I come back.	25	
4.7	out I II let you guys know when I come ouck.	40	